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EXAMINER

NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,922

Applicant(s)

BAIRD ET AL.

Examiner

Toan D. Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31, 33-68 and 70-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-37 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 15-30, 38-45, 47, 48, 52-63, 65-67 and 70-74 is/are rejected.
- 7) ☒ Claim(s) 9, 12-14, 27, 31, 46, 49-51, 64 and 68 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 3-5, 12-17, 19, 27, 29-31, 38, 40-42, 45, 49-54, 56, 64, 66-68 and 74 are objected to because of the following informalities:

In claim 1 line 10, it is suggested to change "the media gateway controller" to --- the primary media gateway controller ---. Similar problem exist in claim 3 line 2, claim 4 line 2, claim 5 line 1, claim 12 line 2, claim 17 line 4, claim 19 line 3, claim 38 lines 10 and 13, claim 40 line 2, claim 41 line 2, claim 42 line 1, claim 45 line 3, claim 49 line 2, claim 54 line 4, and claim 56 line 3.

In claim 12 line 2, it is suggested to change " outbound signaling content" to --- outbound the signaling content ---.

In claim 12 line 4, it is suggested to change "a smaller plurality of sessions" to --- the smaller plurality of sessions ---.

In claim 12 line 5, it is suggested to change " the outbound signaling content" to -- the outbound of the signaling content ---.

In claim 12 line 6, it is suggested to change "associated call-signaling connections" to --- associated with the call-signaling connections ---.

In claim 12 line 7, it is suggested to change "transmitting each protocol data unit over its associated call-signaling connection" to --- transmitting each protocol data unit of the protocol data units over its associated with the call-signaling connection ---.

In claim 13 line 1, it is suggested to change "the transport protocol" to --- the native transport protocol ---. Similar problems exist in claim 14 line 1, claim 15 line 1, and claim 16 line 1.

In claim 27 line 2, it is suggested to change "means for receiving multiplexed signaling content from a media gateway controller" to --- means for receiving the multiplexed signaling content from the media gateway controller ---.

In claim 27 line 5, it is suggested to change "transmitting each protocol data unit over its appropriate packet-switched call signaling connection" to --- transmitting each protocol data unit of the multiple protocol data units over its appropriated with the packet-switched call signaling connection ---.

In claim 29 line 2, it is suggested to change "a media gateway controller" to ---the media gateway controller ---.

In claim 30 line 6, it is suggested to change "for signaling content" to --- for the signaling content ---.

In claim 31 line 2, it is suggested to change "outbound signaling content" to --- outbound the signaling content ---.

In claim 49 line 2, it is suggested to change "outbound signaling content" to --- outbound the signaling content ---.

In claim 49 line 5, it is suggested to change " the outbound signaling content" to -- the outbound of the signaling content ---.

In claim 49 line 6, it is suggested to change "associated call-signaling connections" to --- associated with the call-signaling connections ---.

In claim 49 line 7, it is suggested to change "transmitting each protocol data unit over its associated call-signaling connection" to --- transmitting each protocol data unit of the protocol data units over its associated with the call-signaling connection ---.

In claim 50 line 1, it is suggested to change "the transport protocol" to --- the native transport protocol ---. Similar problems exist in claim 51 line 1, claim 52 line 1, claim 53 line 1.

In claim 64 line 2, it is suggested to change "a media gateway controller" to --- the media gateway controller ---.

In claim 64 line 5, it is suggested to change "transmitting each protocol data unit over its appropriate packet-switched call signaling connection" to --- transmitting each protocol data unit of the multiple protocol data units over its appropriate packet-switched with the call signaling connection ---.

In claim 66 line 2, it is suggested to change "a media gateway controller" to --- the media gateway controller ---.

In claim 67 line 7, it is suggested to change "for signaling content" to --- for the signaling content ---

In claim 68 line 3, it is suggested to change "outbound signaling content" to --- outbound the signaling content ---.

In claim 74 line 14, it is suggested to change "the media gateway controllers" to --
- the primary media gateway controllers ---.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 20-29, 31, 33-37, 57-66, 68 and 70-74 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "the signaling content" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 31 recites the limitation "the number of terminated call signaling connections" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "the number of terminated call signaling connections" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 57 recites the limitation "the signaling content" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 68 recites the limitation "the number of terminated call signaling connections" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 74 recites the limitation "the number of terminated call signaling connections" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (US 6,650,619) in view of Osman et al. (US 6,791,971).

For claim 30, Schuster et al. disclose method and system for facilitating increased call traffic by reducing signaling load in an emergency mode, comprising the steps of:

means for receiving multiplexed signaling content from a signaling gateway and parsing this content into signaling content associated with identifiable call signaling connections (figure 1, col. 5 lines 45-60 and col. 6 lines 25-27).

However, Schuster et al. do not expressly disclose each corresponding to one of a plurality of packet-switched calls, where each call signaling connection is packet-switched; and means for sending, for signaling content associated with one of the identifiable call signaling connections, gateway control signaling responsive to that

signaling content, to a media termination endpoint handling a packet-switched bear stream associated with that identifiable call-signaling connection. In an analogous art, Osman et al. disclose each corresponding to one of a plurality of packet-switched calls, where each call signaling connection is packet-switched (figure 12B, reference step 332, col. 13 lines 45-47 and col. 14 lines 5-8); means for sending, for signaling content associated with one of the identifiable call signaling connections, gateway control signaling responsive to that signaling content, to a media termination endpoint handling a packet-switched bear stream associated with that identifiable call-signaling connection (figure 12B, col. 13 lines 45-47 and col. 14 lines 5-8).

One skilled in the art would have recognized each call signaling connection is packet-switched, and would have applied Osman et al.'s exemplary signal flow in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Osman et al.'s method and apparatus for providing a communications service, for communication and for extending packet network functionality in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to send a CONNECT message to the destination GK (col. 14 lines 5-8).

6. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (US 6,650,619) in view of Osman et al. (US 6,791,971) further in view of Auerbach et al. (Signaling Backhaul Protocol, 25 February 1999, IETF Internet Draft).

For claim 67, Schuster et al. disclose method and system for facilitating increased call traffic by reducing signaling load in an emergency mode, comprising the steps of:

means for receiving multiplexed signaling content from a signaling gateway and parsing this content into signaling content associated with identifiable call signaling connections (figure 1, col. 5 lines 45-60 and col. 6 lines 25-27).

However, Schuster et al. do not expressly disclose each corresponding to one of a plurality of packet-switched calls, where each call signaling connection is packet-switched; and means for sending, for signaling content associated with one of the identifiable call signaling connections, gateway control signaling responsive to that signaling content, to a media termination endpoint handling a packet-switched bear stream associated with that identifiable call-signaling connection.

In an analogous art, Osman et al. disclose each corresponding to one of a plurality of packet-switched calls, where each call signaling connection is packet-switched (figure 12B, reference step 332, col. 13 lines 45-47 and col. 14 lines 5-8); means for sending, for signaling content associated with one of the identifiable call signaling connections, gateway control signaling responsive to that signaling content, to a media termination endpoint handling a packet-switched bear stream associated with that identifiable call-signaling connection (figure 12B, col. 13 lines 45-47 and col. 14 lines 5-8).

One skilled in the art would have recognized each call signaling connection is packet-switched, and would have applied Osman et al.'s exemplary signal flow in

Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Osman et al.'s method and apparatus for providing a communications service, for communication and for extending packet network functionality in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to send a CONNECT message to the destination GK (col. 14 lines 5-8).

Schuster et al. in view of Osman et al. do not expressly disclose an H.323 backhaul channel from the signaling gateway. In an analogous art, Auerbach et al. (Signaling Backhaul Protocol) disclose an H.323 backhaul channel from the signaling gateway (page 3, section 1.1 lines 3-9).

One skilled in the art would have recognized an H.323 backhaul channel, and would have applied Auerbach et al.'s backhaul in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Auerbach et al.'s signal backhaul protocol in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to provide a delivery mechanism (page 3, section 2.1 line 2).

7. Claims 1-6, 10-11, 17-22 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (US 6,650,619) in view of Osman et al. (US 6,791,971) further in view of Auerbach et al (Session Manager, 25 February 1999, Internet Draft).

For claims 1-5, 10-11 and 17, Schuster et al. disclose method and system for facilitating increased call traffic by reducing signaling load in an emergency mode, comprising the steps of:

terminating a plurality of call signaling connections (figure 1, references 24-42, col. 5 lines 30-37 and col. 5 lines 55-57).

However, Schuster et al. do not expressly disclose each corresponding to one of a plurality of packet-switched calls, at a packet-switched signaling gateway, where each call signaling connection is packet-switched;

communicating, over a number of sessions smaller than the plurality of call signaling connections, the signaling content of the call signaling connections from the signaling gateway to a primary media gateway controller; and

routing a plurality of packet-switched bearer streams, each corresponding to one of the packet-switched calls, to a media endpoint controlled by the media gateway controller.

In an analogous art, Osman et al. disclose each corresponding to one of a plurality of packet-switched calls, at a packet-switched signaling gateway, where each call signaling connection is packet-switched (figure 12B, reference step 332, col. 13 lines 45-47 and col. 14 lines 5-8);

the signaling content of the call signaling connections from the signaling gateway to a primary media gateway controller (col. 13 lines 36-40); and

routing a plurality of packet-switched bearer streams, each corresponding to one of the packet-switched calls, to a media endpoint controlled by the media gateway controller (figure 12B, col. 13 lines 45-47 and col. 14 lines 5-8).

Osman et al disclose further comprising the step of interpreting, at the media gateway controller, the signaling content (col. 14 lines 5-8 as set forth in claim 3); further comprising the step of issuing gateway control commands, from the media gateway controller to the media endpoint, based on the signaling content (col. 14 lines 5-8 as set forth in claim 4); wherein the media gateway controller similarly controls multiple media endpoints and similarly communicates with multiple signaling gateways (figure 12B, col. 13 lines 33 to col. 14 line 8 as set forth in claim 5); wherein the media endpoint is a media gateway (col. 14 lines 5-8 as set forth in claim 10); wherein the signaling gateway and the media endpoint co-reside on the same platform (figure 12B, col. 13 lines 33-50 as set forth in claim 11).

One skilled in the art would have recognized each call signaling connection is packet-switched, and would have applied Osman et al.'s exemplary signal flow in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Osman et al.'s method and apparatus for providing a communications service, for communication and for extending packet network functionality in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to send a CONNECT message to the destination GK (col. 14 lines 5-8).

Furthermore, Schuster et al. in view of Osman et al. do not expressly disclose communicating, over a number of sessions smaller than the plurality of call signaling connections. In an analogous art, Auerbach et al disclose communicating, over a number of sessions smaller than the plurality of call signaling connections (page 4, section 2.0, lines 3-5). Auerbach et al disclose wherein the smaller number of sessions is one session (page 3 lines 13-16 as set forth in claim 2); periodically saving call state information for the calls served by the primary media gateway controller to a failover media gateway controller; and upon the occurrence of a failure at the media gateway controller, failing over to the failover media gateway controller both control of the media endpoint and communication with the signaling gateway (page 9, section 3.5 lines 4-16 as set forth in claim 17).

One skilled in the art would have recognized a number of sessions smaller than the plurality of call signaling connections, and would have applied Auerbach et al's use of a session or session set in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Auerbach et al's session manager in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to maintain multiple connections between a given gateway and MGC (page 4, section 2.0 lines 4-5).

For claim 6, Schuster et al. disclose wherein the routing step routes some of the packet switched bearer streams to one of the multiple media endpoints, and some

others of the packet-switched bearer streams to another of the multiple media endpoints (col. 11 lines 33-41).

For claim 18, Schuster et al. disclose wherein one of the packet-switched bearer streams is an audio stream (col. 5 line 34-37).

For claim 19, Schuster et al. discloses further comprising the step of routing a packet switched video stream associated with the audio stream to the media endpoint controlled by the media gateway controller (col. 11 lines 22-25 and col. 11 lines 33-41).

For claims 20 and 22, Schuster et al. disclose method and system for facilitating increased call traffic by reducing signaling load in an emergency mode, comprising the steps of:

means for terminating a plurality of call signaling connections (figure 1, references 24-42, col. 5 lines 30-37 and col. 5 lines 55-57); and

means for multiplexing the signaling content received over the plurality of call signaling connections (col. 6 lines 25-27).

However, Schuster et al. do not expressly disclose each corresponding to one of a plurality of packet-switched calls, where each call signaling connection is packet-switched; and

a smaller number of packet-switched sessions for transmission to a media gateway controller.

In an analogous art, Osman et al. disclose each corresponding to one of a plurality of packet-switched calls, where each call signaling connection is packet-switched (figure 12B, reference step 332, col. 13 lines 45-47 and col. 14 lines 5-8).

One skilled in the art would have recognized each call signaling connection is packet-switched, and would have applied Osman et al.'s exemplary signal flow in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Osman et al.'s method and apparatus for providing a communications service, for communication and for extending packet network functionality in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to send a CONNECT message to the destination GK (col. 14 lines 5-8).

Furthermore, Schuster et al. in view of Osman et al. do not expressly disclose a smaller number of packet-switched sessions for transmission to a media gateway controller. In an analogous art, Auerbach et al disclose a smaller number of packet-switched sessions for transmission to a media gateway controller (page 4, section 2.0, lines 3-5).

One skilled in the art would have recognized a smaller number of packet-switched sessions for transmission to a media gateway controller, and would have applied Auerbach et al's use of a session or session set in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Auerbach et al's session manager in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to maintain multiple connections between a given gateway and MGC (page 4, section 2.0 lines 4-5).

For claim 21, Schuster et al. disclose wherein the packet-switched call signaling connections include H.224 Q.931 connections, H.225 RAS connections, and H.245 connections (col. 8 lines 44-51).

For claim 28, Schuster et al. disclose means for terminating a packet-switched bearer stream associated with one of the packet-switched call signaling connections col. 11 lines 18-25).

For claim 29, Schuster et al. disclose means for receiving gateway control signaling from a media gateway controller; and control means responsive to received gateway control signaling (col. 11 lines 39-41).

8. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (US 6,650,619) in view of Osman et al. (US 6,791,971) and Auerbach et al (Session Manager, 25 February 1999, Internet Draft) further in view of Dalrymple et al. (US 6,826,272).

For claims 7-8, Schuster et al. in view of Osman et al. and Auerbach et al. do not expressly disclose wherein the media endpoint is a media proxy. In an analogous art, Dalrymple et al. disclose wherein the media endpoint is a media proxy (figure 1, reference 105, col. 4 lines 22-24). Dalrymple et al. disclose further the step of forwarding one of the packet-switched bearer streams from the media proxy to a media gateway also controlled by the media gateway controller (figure 2, references 211, col. 7 lines 17-24 as set forth in claim 8).

One skilled in the art would have recognized the media endpoint is a media proxy, and would have applied Dalrymple et al.'s routing a PSTN call to an H.323

handset in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Dalrymple et al.'s method and apparatus for integrated multimedia call control in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to perform a routing from an incoming network PSTN call, through the gateway to the user's H.323 handset (col. 6 lines 25-27).

9. Claims 15-16, 23-26, 38-45, 47-48, 52-63, and 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (US 6,650,619) in view of Osman et al. (US 6,791,971) and Auerbach et al (Session Manager, 25 February 1999, Internet Draft) further in view of Auerbach et al. (Signaling Backhaul Protocol, 25 February 1999, IETF Internet Draft).

For claims 15-16, Schuster et al. in view of Osman et al. and Auerbach et al. do not expressly disclose wherein the transport protocol utilized for the call-signaling connections comprises UDP. In an analogous art, Auerbach et al. (Signaling Backhaul Protocol) disclose wherein the transport protocol utilized for the call-signaling connections comprises UDP (page 4 lines 3-5). Auerbach et al. (Signaling Backhaul Protocol) do not expressly disclose wherein the transport protocol utilized for the call-signaling connections comprises TCP. To include TCP would have been obvious to one of ordinary skill in the art because Auerbach et al. disclose the IP network (section 3.1 ISDN line 6 as set forth in claim 15).

One skilled in the art would have recognized call-signaling connections comprises UDP, and would have applied Auerbach et al.'s signaling protocol in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Auerbach et al.'s signaling backhaul protocol in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to provide a delivery mechanism (page 3, section 2.1 line 2).

For claims 23-26, the claims are directed to the same subject matter in claims 15-16. Therefore, they are subjected to the same rejection.

For claims 38-42, 47-48 and 54, Schuster et al. disclose method and system for facilitating increased call traffic by reducing signaling load in an emergency mode, comprising the steps of:

terminating a plurality of call signaling connections (figure 1, references 24-42, col. 5 lines 30-37 and col. 5 lines 55-57).

However, Schuster et al. do not expressly disclose each corresponding to one of a plurality of packet-switched calls, at a packet-switched signaling gateway, where each call signaling connection is packet-switched;

communicating, over a number of sessions smaller than the plurality of call signaling connections, the signaling content of the call signaling connections from the signaling gateway to a primary media gateway controller; and

routing a plurality of packet-switched bearer streams, each corresponding to one of the packet-switched calls, to a media endpoint controlled by the media gateway controller.

In an analogous art, Osman et al. disclose each corresponding to one of a plurality of packet-switched calls, at a packet-switched signaling gateway, where each call signaling connection is packet-switched (figure 12B, reference step 332, col. 13 lines 45-47 and col. 14 lines 5-8);

the signaling content of the call signaling connections from the signaling gateway to a primary media gateway controller (col. 13 lines 36-40); and

routing a plurality of packet-switched bearer streams, each corresponding to one of the packet-switched calls, to a media endpoint controlled by the media gateway controller (figure 12B, col. 13 lines 45-47 and col. 14 lines 5-8).

Osman et al disclose further comprising the step of interpreting, at the media gateway controller, the signaling content (col. 14 lines 5-8 as set forth in claim 40); further comprising the step of issuing gateway control commands, from the media gateway controller to the media endpoint, based on the signaling content (col. 14 lines 5-8 as set forth in claim 41); wherein the media gateway controller similarly controls multiple media endpoints and similarly communicates with multiple signaling gateways (figure 12B, col. 13 lines 33 to col. 14 line 8 as set forth in claim 42); wherein the media endpoint is a media gateway (col. 14 lines 5-8 as set forth in claim 47); wherein the signaling gateway and the media endpoint co-reside on the same platform (figure 12B, col. 13 lines 33-50 as set forth in claim 48).

One skilled in the art would have recognized each call signaling connection is packet-switched, and would have applied Osman et al.'s exemplary signal flow in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Osman et al.'s method and apparatus for providing a communications service, for communication and for extending packet network functionality in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to send a CONNECT message to the destination GK (col. 14 lines 5-8).

Furthermore, Schuster et al. in view of Osman et al. do not expressly disclose communicating, over a number of sessions smaller than the plurality of call signaling connections. In an analogous art, Auerbach et al disclose communicating, over a number of sessions smaller than the plurality of call signaling connections (page 4, section 2.0, lines 3-5). Auerbach et al disclose wherein the smaller number of sessions is one session (page 3 lines 13-16 as set forth in claim 39); periodically saving call state information for the calls served by the primary media gateway controller to a failover media gateway controller; and upon the occurrence of a failure at the media gateway controller, failing over to the failover media gateway controller both control of the media endpoint and communication with the signaling gateway (page 9, section 3.5 lines 4-16 as set forth in claim 54).

One skilled in the art would have recognized a number of sessions smaller than the plurality of call signaling connections, and would have applied Auerbach et al's use

of a session or session set in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Auerbach et al.'s session manager in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to maintain multiple connections between a given gateway and MGC (page 4, section 2.0 lines 4-5).

Schuster et al. in view of Osman et al. and Auerbach et al (Session Manager) do not expressly disclose wherein an H.323 backhaul channel is used when communicating the signal content of the call signaling connections from the signaling gateway to a primary media gateway controller. In an analogous art, Auerbach et al. (Signaling Backhaul Protocol) disclose wherein an H.323 backhaul channel is used when communicating the signal content of the call signaling connections from the signaling gateway to a primary media gateway controller (page 3, section 1.1 lines 3-9).

One skilled in the art would have recognized an H.323 backhaul channel, and would have applied Auerbach et al.'s backhaul in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Auerbach et al.'s signal backhaul protocol in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to provide a delivery mechanism (page 3, section 2.1 line 2).

For claim 43, Schuster et al. disclose wherein the routing step routes some of the packet switched bearer streams to one of the multiple media endpoints, and some

others of the packet-switched bearer streams to another of the multiple media endpoints (col. 11 lines 33-41).

For claims 44-45, the claims are directed to the same subject matter in claims 7-8. Therefore, they are subjected to the same rejection.

For claims 52-53, the claims are directed to the same subject matter in claims 15-16. Therefore, they are subjected to the same rejection.

For claim 55, Schuster et al. disclose wherein one of the packet-switched bearer streams is an audio stream (col. 5 line 34-37).

For claim 56, Schuster et al. discloses further comprising the step of routing a packet switched video stream associated with the audio stream to the media endpoint controlled by the media gateway controller (col. 11 lines 22-25 and col. 11 lines 33-41).

For claim 57, Schuster et al. disclose method and system for facilitating increased call traffic by reducing signaling load in an emergency mode, comprising the steps of:

means for terminating a plurality of call signaling connections (figure 1, references 24-42, col. 5 lines 30-37 and col. 5 lines 55-57); and

means for multiplexing the signaling content received over the plurality of call signaling connections (col. 6 lines 25-27).

However, Schuster et al. do not expressly disclose each corresponding to one of a plurality of packet-switched calls, where each call signaling connection is packet-switched; and

a smaller number of packet-switched sessions for transmission to a media gateway controller.

In an analogous art, Osman et al. disclose each corresponding to one of a plurality of packet-switched calls, where each call signaling connection is packet-switched (figure 12B, reference step 332, col. 13 lines 45-47 and col. 14 lines 5-8);

One skilled in the art would have recognized each call signaling connection is packet-switched, and would have applied Osman et al.'s exemplary signal flow in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Osman et al.'s method and apparatus for providing a communications service, for communication and for extending packet network functionality in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to send a CONNECT message to the destination GK (col. 14 lines 5-8).

Furthermore, Schuster et al. in view of Osman et al. do not expressly disclose a smaller number of packet-switched sessions for transmission to a media gateway controller. In an analogous art, Auerbach et al disclose a smaller number of packet-switched sessions for transmission to a media gateway controller (page 4, section 2.0, lines 3-5).

One skilled in the art would have recognized a smaller number of packet-switched sessions for transmission to a media gateway controller, and would have applied Auerbach et al's use of a session or session set in Schuster et al.'s internet

telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Auerbach et al's session manager in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to maintain multiple connections between a given gateway and MGC (page 4, section 2.0 lines 4-5).

Schuster et al. in view of Osman et al. and Auerbach et al (Session Manager) do not expressly disclose an H.323 backhaul channel to a media gateway controller. In an analogous art, Auerbach et al. (Signaling Backhaul Protocol) disclose an H.323 backhaul channel to a media gateway controller (page 3, section 1.1 lines 3-9).

One skilled in the art would have recognized an H.323 backhaul channel, and would have applied Auerbach et al.'s backhaul in Schuster et al.'s internet telephony system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Auerbach et al's signal backhaul protocol in Schuster et al.'s method and system for facilitating increased call traffic by reducing signaling load in an emergency mode with the motivation being to provide a delivery mechanism (page 3, section 2.1 line 2).

For claim 58, the claim is directed to the same subject matter in claim 21. Therefore, it is subjected to the same rejection.

For claim 59, the claim is directed to the same subject matter in claim 22. Therefore, it is subjected to the same rejection.

For claims 60-63, the claims are directed to the same subject matter in claims 23-26. Therefore, they are subjected to the same rejection.

For claim 65, Schuster et al. disclose means for terminating a packet-switched bearer stream associated with one of the packet-switched call signaling connections col. 11 lines 18-25).

For claim 66, Schuster et al. disclose means for receiving gateway control signaling from a media gateway controller; and control means responsive to received gateway control signaling (col. 11 lines 39-41).

Allowable Subject Matter

10. Claims 9, 12-14, 27, 46, 49-51, and 64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 31 and 68 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Claims 70-74 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

13. Claims 33-37 are allowed.

Regarding claim 37, the prior art fails to teach a combination of the steps of:

a plurality of media endpoints, which comprises both media gateways and media proxies, with each endpoint capable of terminating a plurality of packet switched bearer streams, in the specific combination as recited in the claim.

Response to Arguments

Art Unit: 2665

14. Applicant's arguments with respect to claims 1-31, 33-68, and 70-74 have been considered but are moot in view of the new ground(s) of rejection.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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